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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 NORTH AMERICAN ELECTRIC
15 RELIABILITY CORPORATION,

16 Plaintiff and Counterclaim
17 Defendant,

18 vs.

19 BARRICK GOLDSTRIKE MINES INC., a
20 Colorado Corporation,

21 Defendant and Counterclaimant,

22 and

23 WESTERN ELECTRIC
24 COORDINATING COUNCIL, a Utah
25 Corporation, and NORTHEAST POWER
26 COORDINATING COUNSEL, a New
27 York Corporation

28 Third-Party Defendants.

Case No. 3:11-cv-00794-LRH-WGC

**STIPULATED MOTION TO DISMISS
NORTHEAST POWER COORDINATING
COUNSEL WITHOUT PREJUDICE**

Counterclaimant BARRICK GOLDSTRIKE MINES INC. ("Barrick") and Third-Party Defendant NORTHEAST POWER COORDINATING COUNCIL ("NPCC"), by and through undersigned counsel, hereby stipulate and move the Court as follows:

1. NPCC represents that it has no regulatory, enforcement, compliance, oversight, or registration authority over Barrick's activities within the footprint of Western Electric Coordinating Council ("WECC") as that area is defined in Exhibit A to the AMENDED AND RESTATED DELEGATION AGREEMENT BETWEEN NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION AND WESTERN ELECTRICITY COORDINATING COUNCIL dated January 1, 2011.

2. Based on the foregoing representation, Barrick and NPCC stipulate and move the Court, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), to dismiss the Amended Third Party Complaint as against NPCC only without prejudice, with each party to bear its own costs.

DATED this 12th day of December, 2012.

JOLLEY URGAL WIRTH WOODBURY &
STANDISH

PARSONS BEHLE & LATIMER

By: /s/ L. Christopher Rose (with permission)

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By: /s/ Francis M. Wikstrom

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